IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Crl.MC.No. 1724 of 2007()

CP.185/2006 of JUDL. MAGISTRATE OF FIRST CLASS-II, HOSDRUG
CRIME NO.40/2003 OF BEKAL POLICE STATION

.....

PETITIONER/ACCUSED NO.2:

SUNILKUMAR @ PUCHASUNIL,
S/O CHELLAPAN, NADUKKAVILA HOUSE,
KOTTAVAKONAM, PUTHUKKULAM.P.O.,
KOLLAM.

BY ADV. SMT.T.SUDHAMANI

RESPONDENTS/COMPLAINANT:

THE STATE OF KERALA REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1724 of 2007

Dated this the 29th day of May 2007

O R D E R

The petitioner faces indictment in a prosecution interalia under Section 395 I.P.C. He is the second accused. The petitioner has not appeared before the learned Magistrate. The case against him has been registered as C.P.No.185/2006. The petitioner is now willing to appear before the learned Magistrate and co-operate in the further progress of the case. The petitioner apprehends that if he appears before the learned Magistrate, his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. In these circumstances, it is prayed that appropriate directions may be issued under Section 482 Cr.P.C.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate. I find absolutely no reason to assume that the learned Magistrate would not consider the cause to be

shown by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

3. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007